

**IN THE CLAIMS**

1. (currently amended) A device for surgical or therapeutic use, particularly implants and surgical instruments as well as their accessories, comprising a body having a polished metal with a surface to be kept sterile for use, said polished surface coated with a layer of material being modified to have antibacterial effect.

2. (cancelled)

3. (currently amended) The device according to claim ~~2~~1, wherein the surface has a layer that releases ions with an antibacterial effect.

4. (original) The device as set forth in claim 3 wherein the ions are silver ions.

5. (original) The device according to claim 3, wherein the layer has a matrix, preferably made of plastic, that serves to continuously release ions with an antibacterial effect, particularly silver ions.

6. (currently amended) The device according to claim 1, wherein the body ~~and the surface layer consists consisting~~ at least partially of a resorbable and non-resorbable plastic, particularly of polylactides (PLA), poly-L-lactides (PLLA), polyetheretherketone (PEEK)<sub>2</sub>, as well as ultra high molecular weight polyethylene (UHMWPE), including a substance that releases ions with an antibacterial effect.

7. (currently amended) The device according to claim 1, wherein the ~~device~~ layer consists at least partially of ceramic material, particularly of tricalcium phosphate (TCP), hydroxyapatite (HA), which layer includes a substance that releases ions with an antibacterial effect.

8. (currently amended) The device according to claim ~~7~~1, wherein the ~~device layer~~ layer consists at least partially of ceramic material, particularly of tricalcium phosphate

(TCP), hydroxyapatite (HA), which layer includes a substance that releases silver ions with an antibacterial effect.

9. (currently amended) The device according to claim 1, wherein the surface is provided with a ~~coating-layer of material~~ consisting of a member selected from the group consisting of titanium nitride oxide, titanium niobium ceramic, titanium zirconium ceramic, an anode oxidation Type II of titanium and combinations thereof.

10. (cancelled)

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cont  
11. (currently amended) The device according to claim 1, wherein the surface is provided with a ~~coating-layer~~ that contains hydroxyapatite.

12. (currently amended) The device according to claim 1, wherein the surface is provided with a ~~coating-layer~~ that contains calcium phosphate.

13. (currently amended) The device according to claim 1, wherein the surface is provided with a ~~coating-layer~~ that contains tantalum oxide.

14. (currently amended) The device according to claim 1, wherein the surface is provided with a ~~coating-layer~~ that contains magnesium.

15. (currently amended) The device as set forth in claim 1 further comprising a ~~coating-layer~~ consisting of a member selected from the group of hydroxyapatite, calcium phosphate, tantalum oxide, magnesium.

16. (cancelled)

17. (currently amended) The device according to claims 1, wherein the metal surface has an ~~electrical voltage applied to it~~ electrostatic charge.

18. (currently amended) The device according to claim 17, wherein the surface briefly has an electrical voltage applied to it to produce said electrostatic charge.

19. (original) The device according to claim 17, wherein an adapter is provided to generate an electrical potential at the surface by means of a voltage source, particularly an alternating voltage source.

20. (cancelled)

21. (original) A flowable implantable substance for medical technology use, comprising a substance that releases silver ions with having an antibacterial effect.

*Am* 22. (currently amended) A method for producing an antibacterial effect on a metal device for medical use comprising:

polishing the surface of the metal device;

coating the ~~incorporating into a~~ surface of the polished device with a layer, including a member selected from the group consisting of ~~diamond-like carbon,~~ silver ions, copper ions, titanium nitride oxide, titanium niobium ceramic, titanium zirconium, ceramic anode oxidation Type II of titanium, ~~hydroxyapatite, calcium phosphate, tantalum oxide,~~ magnesium and combinations thereof which layer is modified to have an antimicrobial effect.

23. (currently amended) The method as set forth in claim 22 further comprising applying an electric current to said device to form an electrostatic charge.

24. (new) The method as set forth in claim 22 wherein the silver ions are incorporated in a layer selected from the group consisting of hydroxyapatite, calcium phosphate, polylactide (PLA), poly-L-lactide (PLLA), ultra high molecular weight polyethylene (UHMWPE), polymethylmethacrylate, polyetheretherketone (PEEK), tricalcium phosphate (TCP).